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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,630	03/29/2004	Jamie A. Forrest	60282-032	2366
26096	7590	03/27/2006	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			LOPEZ, FRANK D	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/811,630	FORREST, JAMIE A.	
	Examiner	Art Unit	
	F. Daniel Lopez	3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on January 11, 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,2 and 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 35-39 is/are allowed.
- 6) ☐ Claim(s) 1,2,21,24-29,34 and 40 is/are rejected.
- 7) ☐ Claim(s) 22,23 and 30-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Applicant's arguments filed January 11, 2006, have been fully considered but they are not deemed to be persuasive.

Applicant argues that "claim 1 recites the plunger is reciprocally movable in the inner pressure sleeve. The inner sleeve has an angled interface surface with the outer pressure sleeve... Gardin discloses a safety liner 3 which is located within the supporting liner 2. Notably, the only angled interface is between the supporting liner 2 and the cylindrical element 1. Amended claim 1 is therefore properly allowable". Applicant appears to be equating the safety and supporting liners (3, 2, respectively) as the claimed inner and outer liners. This is incorrect. The claimed inner and outer liners are the supporting and cylindrical liners (2, 1, respectively), with the wired element (7) being the "frame plate". It is clear that the plunger (5) is reciprocally movable in all of the "sleeves" (1, 2, 3, 7). Furthermore, the "frame plate" is only considered to be a name, with no characteristics limited by the words "frame" or "plate"; since applicant's frame plate (68) does not have any characteristics of a "frame" or a "plate".

Applicant argues that Gardin et al discloses a high pressure press for treatment of substances.; and argues that "In order to rely on a reference as a basis of rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor is concerned". Applicant concludes that since applicant's invention is related to fluid jetting, Gardin et al should not be relied on for any art rejection, since Gardin et al is not analogous art, and not reasonably pertinent to applicant's field of endeavor.

Applicant's argument are only pertinent to 103 rejections, not 102 rejections. Applicant's arguments are prefaced by a statement of the 102 rejection by Gardin et al. Since applicant's argument is only pertinent to 103 rejections, the 102 rejections are valid.

Since there are 103 rejections using Gardin et al, applicant's argument concerning 103 rejections is addressed. One having ordinary skill in the art related to all of the references used in the rejection, and related to applicant's invention would realize Gardin et al is concerned with building a cylinder strong enough to contain a high pressure therein. Since this is the problem applicant's invention deals with, it can be relied on.

Applicant's characterization that the instant invention is a high pressure fluid jetting system is misleading, since the claimed limitations only claim details of a cylinder forming a fluid chamber for a plunger. One having ordinary skill in the art would recognize that there is a variety of devices dealing with this issue, and would look to any of these devices to form the cylinder.

Applicant argues that Gardin et al is a high pressure press for high pressure treatment of substances, for example, foodstuffs; whereas Vandenberg (sic) discloses a cylindrical pressure vessel filled with fluid to exert an iso static pressure on for example, foodstuffs; further stating that "applicant cannot properly respond to this rejection as there seems to be no relationship whatsoever between the cited references", since "Gardin is a press and Vandenberg (sic) is a storage device". Applicant is confused. Both Gardin et al Van Den Berg et al are presses, wherein fluid in a chamber is pressurized by a plunger (5, 8, respectively). Characterizing Van Den Berg et al as a storage chamber is just wrong.

Applicant argues that the combination of Stachowiak and Gardin et al fails to suggest attaching a manifold to a frame plate to press the inner sleeve into the outer sleeve. Applicant is partially correct. This limitation was unintentionally left out of the combination and has been included, since it is taught.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gardin et al (see discussion below). Throughout the claims "A high pressure jetting system" (e.g. claim 1 line 1) and "pump" (e.g. claim 1 line 2) are considered intended use, and are therefore given no patentable weight.

Claim Rejections - 35 USC § 103

Claims 21, 24 and 25 are rejected under 35 U.S.C. § 103 as being unpatentable over Gardin et al in view of Van Den Berg et al. Gardin et al discloses a pressure assembly comprising outer (1) and inner (2) pressure members having an angled interference surface therebetween (1a, 2b) and plunger (5) reciprocating moveable within the pressure assembly; but does not disclose that a seal cartridge assembly is pressed into a frame plate; or that a packing assembly is located about the plunger and has inner and outer diameter wedge rings, and non-metallic packing rings having a square cross section.

Van Den Berg et al teaches, for a pressure assembly comprising outer (32) and inner (3 fig 3, or 26 fig 4) pressure members, and a plunger (5) reciprocating moveable within the pressure assembly; that a seal cartridge assembly (24) is pressed into a frame plate (22) attached to the pressure assembly, with non-metallic packing rings (unmarked, about seals 33, 34) having a square cross section, for the purpose of sealing between the plunger and the pressure assembly.

Since Gardin et al and Van Den Berg et al are both from the same field of endeavor, the purpose disclosed by Van Den Berg et al would have been recognized in the pertinent art of Gardin et al. It would have been obvious at the time the invention was made to one having ordinary skill in the art to press a seal cartridge assembly, with non-metallic packing rings having a square cross section, into a frame plate attached to the pressure assembly of Gardin et al, as taught by Van Den Berg et al, for the purpose of sealing between the plunger and the pressure assembly. For claims 24 and 25, the seal cartridge assembly and frame plate are the inner and outer diameter wedge rings.

Claims 1, 2, 26-29, 34 and 40 are rejected under 35 U.S.C. § 103 as being unpatentable over Stachowiak in view of Gardin et al. Stachowiak discloses a method of assembling a cylinder system comprising locating an outer pressure sleeve (32) within a frame plate (13), such that a flange (33) of the outer sleeve abuts the frame plate; and bolting (by 17) a manifold (15) to the frame plate, and thereby pressing the outer sleeve into a bore of the frame plate; wherein the manifold is a front element; but does not disclose that the step of locating an inner pressure sleeve within the outer pressure sleeve, wherein the inner and outer sleeves have angled interference surfaces therebetween and the manifold presses the inner sleeve into the outer sleeve.

Gardin et al teaches, for a method of assembling a cylinder system comprising locating an outer pressure sleeve (2) within a frame plate (1); that there is a step of locating an inner pressure sleeve (3) within the outer pressure sleeve, wherein the inner and outer sleeves have angled interference surfaces therebetween; and front and rear portions (4, 11, respectively) presses the inner sleeve into the outer sleeve, for the purpose of minimizing damage if a liner fails (e.g. column 2 line 9-47).

Since Stachowiak and Gardin et al are both from the same field of endeavor, the purpose disclosed by Gardin et al would have been recognized in the pertinent art of Stachowiak. It would have been obvious at the time the invention was made to one having ordinary skill in the art to include the step of locating an inner pressure sleeve within the outer pressure sleeve of Stachowiak, wherein the inner and outer sleeves have angled interference surfaces therebetween and the manifold, being a front element, presses the inner sleeve into the outer sleeve, as taught by Gardin et al, for the purpose of minimizing damage if the liner fails

Conclusion

Claims 35-39 are allowed.

Claims 22, 23 and 30-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:15 AM -3:45 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.

A handwritten signature in black ink, appearing to read "F. Daniel Lopez", is written over a horizontal line.

F. Daniel Lopez
Primary Examiner
Art Unit 3745
March 20, 2006